

R-10-22

RESOLUTION NO. _____

**A RESOLUTION APPROVING SETTLEMENT IN THE CASE
OF CITY OF NORTH LITTLE ROCK VS. DRUGSTORE
COWBOY, INC., D/B/A GENTLEMEN'S CLUB 70, PULASKI
COUNTY CIRCUIT COURT CASE NO. CV-04-5610; AND FOR
OTHER PURPOSES.**

WHEREAS, the City of North Little Rock is currently involved in litigation concerning the operation of an adult entertainment business on property in the City, said business being located within 1000 feet of a school, a church and many residences in violation of Ordinance No. 7454, which is contended to be invalid by defendant Gentlemen's Club 70 ("the Club"); and

WHEREAS, the case is currently pending in the Circuit Court of Pulaski County, Arkansas, being City of North Little Rock vs. Drugstore Cowboy, Inc., d/b/a Gentlemen's Club 70, Case No. CV-04-5610; and

WHEREAS, during the pendency of this action the Arkansas Legislature adopted Act 387 of 2007 regulating the location of adult-oriented businesses, and on May 11, 2009, the City of North Little Rock adopted Ordinance No. 8175 which substantially mirrored the regulations set forth in Act 387; and

WHEREAS, rather than further litigating the lawfulness and applicability of Ordinance No. 7454, the parties have agreed to settle the matter whereby after May 11, 2011, Ordinance No. 8175 will apply to the Club's current location, and the Club, which will be afforded reasonable accommodation, will relocate its business to another location; and

WHEREAS, the City Attorney recommends acceptance of the settlement arrangement reached between the parties.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That settlement of the case pending in the Circuit Court of Pulaski County, Arkansas in the matter of City of North Little Rock vs. Drugstore Cowboy, Inc., d/b/a Gentlemen's Club 70, Case No. CV-04-5610, is hereby approved, and the City Attorney is hereby authorized to enter into a Settlement Agreement (substantially similar to Exhibit "A" attached hereto and incorporated herein).

SECTION 2: That this Resolution shall be in full force and effect from and after its passage and approval.

PASSED:

APPROVED:

Mayor Patrick H. Hays

SPONSOR:

ATTEST:

Mayor Patrick H. Hays

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b

FILED 11:30 A.M. _____ P.M.

BY City Atty Carter

DATE 02-02-10
Diane Whitbey, City Clerk and Collector
North Little Rock, Arkansas

RECEIVED by A. Hodge